

BOARD OF REGISTRATION IN PHARMACY

MEETING MINUTES

March 6, 2012

239 Causeway Street
Boston, Massachusetts

Board Members Present	Michael Tocco, R.Ph., M.Ed.; Steven Budish, Stanley Walczyk, R.Ph.; Karen Ryle, R.Ph, M.S; Sophia Pasedis, R.Ph., Pharm.D.; Joanne Trifone, R.Ph.
Board Members Absent	James T. DeVita, R.Ph; Kathy Fabiszewski, Ph.D, N.P; George Cayer, R.Ph.; Donald Accetta, M.D., M.P.H.
Staff Present	James D. Coffey, R.Ph., Director; Margaret Cittadino, M.Ed., Associate Director; Susan Manning, Board Counsel; Leo McKenna, R.Ph., Pharm.D., Quality Assurance (QA) Coordinator; Samuel J. Penta, R.Ph., Supervising Investigator; Cheryl Latham R.Ph., Pharm.D., Investigator; William E. Frisch, Jr., R.Ph., Investigator; James Emery, Pharmacy Technician, Investigator; Jessica Shaver, Northeastern University Intern

1. 8:30 a.m. CALL TO ORDER
President Michael J. Tocco
2. 8:30 a.m. APPLICATIONS and Other Notices
Assoc. Dir. Margaret Cittadino

New Community Pharmacy

CVS 1299, 25 Washington Street, Wellesley

Change of Manager

CVS 209, 115 Main Street, Andover (DS3597)
CVS 1896, 486 Pleasant Street, Attleboro (DS2160)
CVS 2206, 366 Washington Street, Attleboro (DS2762)
CVS 1259, 231 Massachusetts Avenue, Boston (DS1974)
CVS 3307, 400 Tremont Street, Boston (DS3205)
CVS 717, 36 White Street, Cambridge (DS24854)
CVS 1862, 1195 Boylston Street, Chestnut Hill (DS2712)
CVS 1870, 415 East Falmouth Highway, East Falmouth (DS2070)
CVS 594, 105 Davis Straights, Falmouth (DS2839)
CVS 1264, 704 Centre Street, Jamaica Plain (DS1966)
CVS 22189, 1735 Massachusetts Avenue, Lexington (DS22189)
CVS 672, 36 Pleasant Street, Malden (DS24513)
CVS 159 516 Main Street, Melrose (DS16605)
CVS 00335, 266 Route 44, Raynham (DS2582)
CVS 00041, 484 Winthrop Street, Taunton (DS2679)
CVS 2055, 10 Main Street, Tewksbury (DS2594)
CVS 957 928 Riverdale Street, West Springfield (DS89776)
Diamoto Medical, 159 Memorial Drive, Shrewsbury (DS89700)
Rite Aid 10099, 399 Union Street, Ashland (DS3301)
Rite Aid 10185, 80 River Street, Waltham (DS3151)
Stop & Shop Pharmacy 5, 19 Howley Street, Peabody (DS2868)
Walgreens 11998, 225R King Street, Northampton (DS89678)
Walgreens 3508, 572 Main Street, Wakefield (DS2527)
Walmart Pharmacy, 66 Parkhurst Road, Chelmsford (DS2966)

Retail Closings

Rite Aid Pharmacy 10155, 181 Brighton Avenue, Allston (DS3094). Controlled substance inventory and pharmacy records transferred to CVS 5382, 177 Brighton Avenue, Allston.

CVS Pharmacy 2460, 110 Elm Street, Millbury (DS3227). Controlled substance inventory and pharmacy records transferred to CVS 2171, 63 Canal Street, Millbury.

Wholesale Distributor Closing

Cardinal Health, 27 6th Road, Woburn (WD447). All remaining radiographic inventory and medical devices returned to Cardinal Health Distribution Center.

Renovation/Expansion

CVS 2025, Route 10 Northampton Street, Easthampton (DS2685)

CVS 02516, 35 Kneeland Street, Boston (DS2870)

Transfer of Ownership

Health First Pharmacy, 1670 Commonwealth Avenue, Brighton (DS89662)

Motion Walczyk/Pasedis to approve applications

Recused Tocco for CVS and Trifone for Walgreens related applications and notices

Approved

3. 8:40 a.m. UPDATES

Dir. James D. Coffey/Assoc. Dir. Margaret Cittadino

- Advisory re: *Stock Supply of Non-Patient Specific Epinephrine for Schools*
- 2011 Board Statistics re: Licensing and Complaint Dispositions
- Complaint Status and Dispositions

4. 9:15 a.m. BOARD MEETING PLANNING/OBJECTIVES

Pres. Michael J. Tocco

Continuation of discussion regarding Board regulation continuing education module to be developed by and presented by Board members.

5. 9:30 a.m. PRESENTATION/DISCUSSION

Proposal: **Board Delegated Complaint Review** process

Presentation: Q.A. Coord. McKenna; Dir. Coffey; Superv. Inv. Penta

Board reviewed proposed process for disposition of specific categories of complaints by delegated Board member(s) and specified Pharmacy Board personnel.

Motion Trifone/Walczyk to adopt the Board Delegated Complaint Review process as proposed.

Approved

6. 10:00 a.m. PRESENTATION - Walgreens *TransferSafe*

Daniel F. Luce, R.Ph., MBA, National Dir., Pharmacy Affairs, Walgreens, described Walgreens *TransferSafe* secure website system. Luce noted resolution of two issues raised by *TransferSafe* users; specifically, (1) no birth date on the incoming prescription; and (2) the prescription printing on 2 pages (instead of one).

Motion Walczyk/Pasedis to approve *TransferSafe* (no termination date).
Recused Trifone (not present in room during presentation, discussion or vote)
Approved

- ☐ Video presentation and discussion of Walgreens "The Well Experience Pharmacy"
 [Trifone not present in room during video or discussion]

7. 10:40 a.m. REPORT OF OFFICE OF GENERAL COUNSEL - Susan Manning, Board Counsel

CLOSED SESSION – Review/discussion of Complaints and other Legal Matters
 [MGL c. 112, s. 65C; MGL c. 30A, ss. 18-21]

10:40 a.m. **Motion** Walczyk/Pasedis to enter Closed Session. **Approved**

10:55 a.m. **Motion** Budish/Trifone to return to Open Session. **Approved**

8. 11:10 a.m. APPLICATION/Appearance

Sarah A. Mordkovich – Pharmacist Applicant

Motion Ryle/Pasedis to approve application

Approved

9. 11:20 a.m. APPLICATION/Appearance

Shem M. Gichuhi – Pharmacy Intern Applicant

Motion Ryle/Walczyk to **deny** intern registration at this time with conditions
 (evaluations and references as specified) for future reconsideration identified.

Approved

10. 12:10 p.m. REPORT OF OFFICE OF INVESTIGATIONS (no handout)

File Review - Samuel J. Penta, R.Ph., Supervising Investigator; James C. Emery,
 Investigator; Cheryl Lathum, Pharm.D., R.Ph., Investigator; William E. Frisch, Jr.,
 R.Ph., Investigator; Leo A. McKenna, Pharm.D., R.Ph., QA Coordinator

1	SA INV-2387 Neighborhood Pharmacy DS 3526 PHA-2012-0040 Neighborhood Pharmacy DS89779 (transfer of ownership)	Motion Trifone/Walczyk to Dismiss with Advisory Letter with plan of correction for re-training of staff on rules of transfer. Approved
2	SA-INV-2335 Rite Aide 10055 DS 2557 PHA-2011-0276 Joseph Malinoski PH22266 PHA-2011-0273 Damianos Avramidis PH27462	Motion Ryle/Trifone to schedule Investigative Conference. Board to advise Manager of Record to put Vicodin on count immediately; provide bi- annual audit at the investigative conference; and prohibit pharmacy technicians from filling Vicodin prescriptions out of pharmacist's direct view Approved

3	PHA-2011-0024 CVS/pharmacy 1854 DS2085 February 7, 2012 Investigative Conference	Motion Trifone/Walczyk to Dismiss with Advisory Letter and Recommendation to re-train pharmacy staff regarding high dose warnings and new prescriptions that require incremental dosing. Recused Tocco (not present in meeting room for discussion or vote) Approved
	PHA-2011-0157 Valarie O'Sullivan PH 23106	Motion Ryle/Walczyk to propose Consent Agreement with Reprimand Recused Tocco (not present in meeting room for discussion or vote) Approved
	PHA-2011-0156 Lauren M. Cohen PT5296	Motion Pasedis/Trifone to Dismiss with Advisory Letter and 2 CEs on Medication Error Prevention. Recused Tocco (not present in meeting room for discussion or vote) Approved

12:40 p.m. Walczyk, Tocco and Budish exit meeting.

10. 12:40 p.m. LUNCH

4	PHA-2011-0271 CVS 1859 DS2945	Motion Trifone/Pasedis to Dismiss with Advisory Letter and confirmation of inclusion of Quality Assurance best practices in CVS compliance monitoring ("Every Visit Review" (EVR) pharmacy supervisor scheduled oversight) in all Massachusetts CVS stores. Approved
	PHA-2011-0299 James M. Citrone PH233093	Motion Pasedis/Trifone to Dismiss with Advisory Letter and 2 continuing education credits (CEs) in medication error prevention. Approved
5	PHA-2011-0014 CVS 2401 DS 2957	Motion Ryle/Pasedis to Dismiss – No Violation Approved
	PHA-2011-0227 Rebecca L. Telford PT11168	Motion Pasedis/Ryle to Dismiss with Advisory Letter and 2 CEs in medication error prevention Approved
6	SA-INV-1725 CVS 2025 DS 2685	Motion Ryle/Pasedis to Dismiss – No Violation Approved

7	SA-INV-1980 PHA-2011-0112 CVS 1249 DS2688	Motion Trifone/Pasedis to Dismiss – No Violation Approved
	PHA-2011-0113 Abdul K Shamseddine PH15919	Motion Pasedis/Trifone to Dismiss – No Violation Approved
8	SA-INV-2227 CVS 1845 DS3595	Motion Trifone/Pasedis to Dismiss – Lack of Evidence Approved
9	PHA-2011-0272 CVS 183 DS 2347	Motion Trifone/Pasedis to Dismiss with Advisory Letter with ISMP error report and CVS review of current system ophthalmic and otic medications placement with review recommendations to be implemented in all Massachusetts CVS pharmacies. Approved
	PHA-2011-0297 Kaitlyn Hall PT 12182	Motion Ryle/Pasedis to Dismiss with Advisory Letter with conditions related to CE deficiencies Approved
	PHA-2011-0298 Nehal Patil PH233361	Motion Ryle/Pasedis to Dismiss with Advisory Letter with conditions related to CE deficiencies Approved
10	SA-INV-2428 CVS 1000 DS 2649	Motion Pasedis/Trifone to Dismiss – Lack of Evidence
11	SA-INV-2410 CVS 1851 DS 2088	Motion Pasedis/Ryle to Dismiss – Lack of Evidence Approved
12	SA-INV-2427 CVS 8319 DS3560	Motion Pasedis/Ryle to Dismiss – No Violation Approved

FLEX DISCUSSION

A. OLD BUSINESS

- 1) University of Utah School on Alcoholism and Other Drug Dependencies
Michael Tocco will be the Board Designee to June 2012 conference.

11. REPORT OF OFFICE OF GENERAL COUNSEL - Susan Manning, Board Counsel Continued

2:45 p.m. **Motion** Walczyk/Pasedis to enter Closed Session. **Approved**

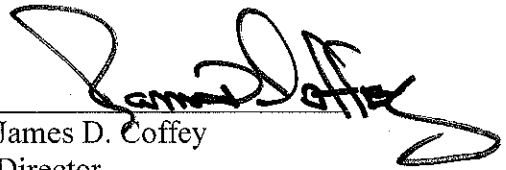
2:50 p.m. **Motion** Trifone/Pasedis to return to Open Session. **Approved**

Closed Session – M.G.L. c. 112, s. 65C (Pending Complaints)
M.G.L. c. 30A, s. 18-21 (Adjudicatory and Executive)

2:50 p.m. **Motion** Trifone/Ryle to adjourn. **Approved**

2:50 ADJOURNMENT

Respectfully submitted by:


James D. Coffey
Director

Board approved: April 3, 2012

BOARD OF REGISTRATION IN PHARMACY
CLOSED SESSION MINUTES
MARCH 6, 2012
239 CAUSEWAY STREET
BOSTON, MA 02114

REPORT OF OFFICE OF GENERAL COUNSEL - Susan Manning, Board Counsel
Closed Session – M.G.L. c. 112, s. 65C (Pending Complaints)
M.G.L. c. 30A, s. 18-21 (Adjudicatory and Executive)

10:40 a.m. **Motion** Walczyk/Pasedis to enter Closed Session. **Approved**

Matter of **Diep Ho**, R.Ph. (PH24629) Docket No. PHA-2012-0024
Investigators Frisch and Penta provided update regarding February 29, 2012 arrest of pharmacist Diep Ho, while employed at CVS Pharmacy 2282, 703 Gallivan Blvd., Dorchester. Investigation is ongoing. Ho surrendered license to the Board on arrest.

Motion Walczyk/Trifone to accept license surrender.

Approved

Recused Tocco (not present in meeting room for discussion or vote)

Matter of **Deborah Orfanos** (PT2369) - Docket No. PHA-2012-0025

Complaint includes employer videos of Pharmacy technician's diversion of a controlled substance (Zydone) in various quantities on multiple dates while employed at Walgreens Pharmacy #1864, 324 Massachusetts Avenue, Arlington; and (2) February 22, 2012 statement admitting diversion of Zydone over a three month period

Motion Walczyk/Pasedis to issue *Temporary Order of Summary Suspension*; accept license surrender if submitted.

Approved

Recused Trifone (not present in meeting room for discussion or vote)

Matters of **Shore Drug** - formerly operating at 297 Belmont St., Belmont

Board advised of recent inquiries regarding resumption of pharmacy operations at prior location of former Shore Drug; which property is currently owned by prior owner/operator (REVOKED pharmacist) who currently operates a retail business at same location. Board in agreement that approval of any application for pharmacy to operate (including under any lease or other agreement) at prior Shore Drug location while owned or with any other connection to prior owner is not likely.

10:55 a.m. **Motion** Budish/Trifone to return to Open Session. **Approved**

2:45 p.m. **Motion** Walczyk/Pasedis to enter Closed Session. **Approved**

Matter of **Lauren M. Cohen** (PT 5296) – Docket No. PHA-2011-0156

Investigators Penta and Lavery advised Board that CVS had notified Board of the termination of pharmacy technician Lauren Cohen after admitted diversion.

Motion Ryle/Trifone for issuance of Temporary Order of Summary Suspension if surrender is not received.

Approved

Recused Tocco (not present in meeting room for discussion or vote)

2:50 p.m. **Motion** Trifone/Pasedis to return to Open Session. **Approved**